

Before the
Federal Communications Commission
Washington, D.C.

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In the matter of)	FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY
)	
2002 Biennial Regulatory Review –Review of the)	MB Docket No. 02-277
Commissions’ Broadcast Ownership Rules and)	
Other Rules Adopted Pursuant to Section 202 of)	
the Telecommunications Act of 1996)	
)	
Cross-Ownership of Broadcast Stations and)	MM Docket No. 01-235
Newspapers)	
)	
Rules and Policies Concerning Multiple)	MM Docket No. 01-317
Ownership of Radio Broadcast Stations)	
in Local Markets)	
)	
Definition of Radio Markets)	MM Docket No. 00-244

REQUEST FOR COLLECTION OF DATA BY FCC

The Network Affiliated Stations Alliance (“NASA”), a coalition of the associations representing stations affiliated with (but not owned by) the ABC, CBS and NBC television networks, and the National Association of Broadcasters (“NAB”) hereby request that the Commission request the submission of certain data from each of the ABC, CBS, and NBC television networks with respect to preemptions and clearances of network programming by both affiliates and network owned-and-operated stations (“O&Os”). In its Notice of Proposed Rulemaking (“Notice”) in this proceeding, the Commission requested comment and information with respect to the preemption practices of network O&Os and affiliates. NASA and NAB do not have access to preemption and clearance data pertaining to the network O&Os. In addition, we have determined through interviews with a number of program managers and other officials at independently-owned affiliated stations that there is no standard manner in which affiliates maintain preemption records and that any such records may be incomplete and may reflect only a

limited, recent period of time. By contrast, it is NASA's and NAB's understanding that the networks maintain records with respect to preemptions and non-clearances by their affiliates and O&Os and that such records and data go back many years. NASA and NAB believe that access to information regarding the clearance and preemption practices of O&Os and affiliates both today and ten years ago may assist in addressing the issues raised in the Notice with respect to the national television ownership rule. Accordingly, we hereby request that the Commission solicit information from the networks with respect to the amount of network programming preempted or otherwise not cleared by affiliates and O&Os in the top 25 markets in 2001 and in 1991. Specifically, **NASA** and NAB request that the Commission issue the following request to each of the networks:

For each television station affiliated with your network – including both O&Os and independently-owned affiliates – in the top 25 television markets as currently defined by Nielsen, please provide the total number of hours of programming offered generally by your network to affiliates and O&Os for broadcast on a network basis that was preempted by the station or otherwise not cleared by the station (e.g., because it declined to accept a program series, because it historically did not air network programming in a particular time period, etc.). The data should be broken out station-by-station, market-by-market

The requested data should be provided for calendar year 2001 and for calendar year 1991. The data for both years should be provided for the markets currently defined by Nielsen as the top 25 television markets. If you do not have records dating back to calendar year 1991, please explain and provide the requested data for the earliest calendar year for which you do have records. If your records are not kept on a calendar year basis, please select a 12 month period approximating the calendar year.

Please include with your submission an explanation of the methodology used to track and collect the requested data.

NASA and NAB respectfully request that the Commission issue this request to the three networks as soon as reasonably possible and ask for a response as soon as reasonably

possible. NASA and NAB will then promptly analyze these data and, as appropriate, submit an appropriate analysis to the Commission. We do not intend to seek an extension of any general deadlines to accommodate filings based on these data, but we realize that the preparation and analysis of this information may or may not be completed **prior** to these general deadlines. We also recognize that other parties might legitimately wish to comment on any such filing. We would be pleased to confer with network officials about facilitating the preparation and exchange of the requested data.

Respectfully submitted.

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